

SCOTTSDALE

CITY COUNCIL MEETING

*** AMENDED AGENDA ***

ITEM 14 MOVED FROM CONSENT AGENDA TO REGULAR AGENDA



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Monday, August 25, 2003

4:00 P.M.

City Council Special Meeting

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd. - 4:01 P.M.

Roll Call - **ALL PRESENT**

1. Brief update on City Attorney recruitment and City Clerk vacancy. Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov) - **PRESENTED BY NEIL SHEARER**
2. MOTION TO RECESS INTO EXECUTIVE SESSION for:
 - a. Discussion or consideration of employment, assignment, appointment, and salary, of the City Attorney; and discussion or consideration of resumes of potential candidates for the position and direction to HR General Manager about candidates for interviews. A.R.S. 38-431.03 (A)(1) and (A) (2) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)
 - b. Discussion or consultation with the City's attorneys for legal advice regarding the recruitment and hiring process, and to consider its position and instruct its attorneys regarding the public body's position regarding employment terms for the City Attorney that are the subject of negotiations. A.R.S. 38-431.03 (A)(3) and (A) (4) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)
 - c. Conduct Interview and discussion and consideration of Carolyn Jagger for possible promotion, and direction to HR General Manager regarding compensation considerations for City Clerk position; and discussion or consideration of employment records and resume of Carolyn Jagger, Deputy City Clerk. A.R.S. 38-431.03 (A)(1) and (A) (2) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov)
 - d. Discussion or consultation with the City's attorneys for legal advice regarding the recruitment and hiring process, and to consider its position and instruct its attorneys regarding the public body's position regarding employment terms for the City Clerk that are the subject of negotiations. A.R.S. 38-431.03 (A)(3) and (A) (4) Contact: Neal Shearer 480-312-2604, (nshearer@scottsdaleaz.gov) - **MOTION TO RECESS INTO EXECUTIVE SESSION – OK – 7/0**

Adjourn - 4:04 P.M.

City Council Executive Session

Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting scheduled for 4:00 P.M., above.

Adjourn

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard - **5:08 P.M.**

Roll Call - ALL PRESENT

Pledge of Allegiance – CITY CLERK SONIA ROBERTSON

Invocation - NONE

ANNOUNCEMENT – MAYOR MANROSS RECOGNIZED COURT ADMINISTRATOR JANET CORNELL FOR RECEIVING THE PRESTIGIOUS STAR AWARD AT THE NATIONAL ASSOCIATION FOR COURT MANAGEMENT’S ANNUAL CONFERENCE

Boards, Commissions and Committees

Historic Preservation Commission (1) – **KATHLEEN HOWARD**

Human Services Commission (1) – **DONNA REID**

Public Safety Personnel Retirement Board (1) - **STEVEN SPRINGBORN**

Tourism Development Commission (1) - **MARGARET DUNN**

Public Comment – DANIEL BASINGER – REMINDED EVERYONE OF THE UPCOMING ENVIRONMENTAL EVENTS AND URGED EVERYONE TO CONSERVE WATER.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “public comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

1. Airport Cholla Parcel Infrastructure Improvements – OK - C

Request: Authorize bid award No. 03PB087 to M.D. Merrett Construction, Inc., for \$69,945.30, to add water and sewer and re-pave asphalt on the Cholla parcel; and authorize the transfer of \$72,394 FY 03/04 Aviation Grants budget (641-37013-54901) to the Aviation Capital Project Fund for the Cholla Parcel project (642-A9903-54260). Grant budget includes contingency in the event change orders are needed. The contingency is funded by the Arizona Department of Transportation (ADOT) grant agreement.

Staff Contact(s): Scott T. Gray, Aviation Director, (480) 312-7735, sgray@scottsdaleaz.gov; John Little, Transportation General Manager, 480-312-2539, jlittle@scottsdaleaz.gov

2. Approve an agreement to continue to provide concession services at Scottsdale Stadium – OK - C

Request: Adopt Resolution No. 6353 approving agreement number 2003-130-COS between the City of Scottsdale and Arizona Sportservice, Inc. to continue to provide concession services at Scottsdale Stadium to the COS for all events except from January 15 through April 15 of any year during the Spring Training use period.

Staff Contact(s): William J.S. Exham, Jr., Community Services General Manager, 480-312-2377, bexham@scottsdaleaz.gov

3. Intergovernmental Agreement between the City and the Scottsdale School District relating to access to sports fields for field rehabilitation – OK - C

Request: Adopt Resolution Number 6351 and Intergovernmental Agreement #2003-120-COS between the City and the Scottsdale School District which will allow City staff and contractors access to the six most heavily used youth sports fields on school district property for the purpose of twice per year field rehabilitation.

Related Policies, References:

- Youth Sports Task Force Report
- Intergovernmental Agreement # 2000-043-COS (“Master Agreement” between the City and the Scottsdale Unified School District.

Staff Contact(s): Debra Baird, Parks, Recreation and Facilities Director, 480-312-2480, dbaird@ScottsdaleAZ.gov

4. Intergovernmental Agreement with Arizona Game and Fish—Urban Fishing Program (Chaparral Lake). – OK - C

Request: Adopt Resolution No. 6338 authorizing Intergovernmental Agreement No. 2003-124-COS with the Arizona Game and Fish Department to provide funding for the stocking of fish at Chaparral Lake for the years 2003-04, 2004-05, 2005-06. The effect of this Agreement is to allow for the continuation of the Urban Fishing Program at Chaparral Lake.

Related Policies, References: Resolution No. 5562 and Intergovernmental Agreement No. 2000-059-COS with the Arizona Game and Fish Department were adopted by the City Council on June 19, 2000 for fiscal years 2000-01, 2001-02, 2002-03.

Staff Contact(s): William J.S. Exham, Jr., Community Services General Manager, 480-312-2377, bexham@scottsdaleaz.gov

5. Upgrade Verizon Wireless facility at Aztec Park – OK - C

Request: Adopt Resolution No. 6250 authorizing Agreement No. 980150A with Verizon Wireless (VAW) LLC, a Delaware Limited Liability Company dba Verizon Wireless, to amend Agreement No. 980150 leasing a portion of City-owned land at 13636 N. 100th Street to Verizon Wireless to operate a wireless telecommunication antenna site. The effect of this amendment is to re-orient wireless antennas for improved wireless reception and transmission.

Related Policies, References:

- Resolution No. 5189 was approved by the City Council on February 1, 1999 authorizing Lease Agreement 980150 with Verizon Wireless.
- DRB Case No. 1-DR-1992#3 was approved on February 21, 2002 allowing the proposed modifications. The approval has been extended through February 21, 2004.
- Resolution No. 6247 and Ordinance 3493 were adopted by the City Council on March 4, 2003 affirming the wireless communications ordinance text amendment.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov; William J.S. Exham, Jr., Community Services General Manager, 480-312-2377, bexham@scottsdaleaz.gov; Carder Hunt, Information Systems General Manager, 480-312-2795, chunt@scottsdaleaz.gov

6. Construction Bid Award for the 64th Street/Oak Street Sanitary Sewer – OK - C

Request: Authorize Construction Bid Award No. 03PB045 to M.D. Merrett Incorporated, the lowest responsive bidder, at their lump sum base bid of \$46,600.42.

Staff Contact(s): Annette Grove, Sr. Project Manager, 480-312-2399, agrove@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov

7. Engineering Services Contract for 104th Street Road and Drainage Improvements – Desert Cove to Mary Katherine Drive – OK - C

Request: Authorize Engineering Services Contract 2003-129-COS with Carter Burgess in the total amount of \$68,508.00 for the design of roadway and drainage improvements on 104th Street from Desert Cove Avenue to Mary Katherine Drive.

Related Policies, References:

- Design Concept Report – 104th Street Widening, Desert Cove Avenue to Mary Katherine Drive (10/25/01).
- Transportation Commission and Parks & Recreation Commission Review (7/18/02).
- Proposed Master Streets Plan, 2003

Staff Contact(s): Corey E. Lew, Project Manager, (480) 312-7769, clew@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov

8. Construction of Streetscape Segment along McDowell Road – OK - C

Request: Authorize Construction Bid Award No. 03PB122 to Benchmark Construction, the lowest responsive bidder, at their lump sum bid of \$ 99,993.90, for installation of the landscaping along McDowell Road (7100 E. Block) adjacent to the 5 Star Ford Dealership.

Related Policies, References:

- 1991 McDowell Streetscape Guidelines
- McDowell Corridor Improvements Master Plan dated 12/12/2002
- Council approval on 02/18/2003 authorizing Architectural Services Contract No. 2003-026-COS
- DRB stipulations 39-DR-2002 and DRB approval of the design 79-SA-2003

Staff Contact(s): Marek Urbanek, Project Manager, (480) 312-2563, murbanek@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-2776, adreska@scottsdaleaz.gov

9. Refunding of City General Obligation Bonds – OK - C

Request: Adopt Resolution No. 6347 authorizing the issuance and ordering and approving the sale of City of Scottsdale General Obligation Refunding Bonds, Series 2003 in an aggregate principal amount not to exceed \$16,800,000; authorizing the negotiation, execution and delivery of certain agreements, including a Bond Purchase Agreement by the City Treasurer; and selecting RBC Dain Rauscher as underwriter for the bond sale.

Staff Contact(s): Rebecca A. Eickley, Finance and Energy Manager, (480) 312-7084
reickley@ScottsdaleAZ.gov

10. Telecommunications License Issued to Midvale Telephone Exchange – OK - C

Request: Adopt Resolution No. 6345 authorizing City Council to approve Telecommunications License Issued to Midvale Telephone Exchange for the construction, installation and operation of a telecommunications network.

Related Policies, References: Midvale Telephone Exchange is engaged in the business of providing communications services in State of Arizona and has obtained a Certificate of Public Convenience and Necessity issued by the Arizona Corporation Commission. Licensee has applied to City for permission to use the streets and public ways in the City in order to provide telecommunications services as defined in A.R.S. §9-581.

License is granted under the terms and requirements of the City of Scottsdale City Code Chapter 47, Article VI.

Staff Contact(s): Kevin Sonoda, Telecommunications Policy, 480 312-4138, ksonoda@scottsdaleAZ.gov; Brad Hartig, Information Systems Enterprise Director, 480-312-7615, bhartig@scottsdaleaz.gov

11. Super Bowl 2008 Bid Support – OK - C

Request: Council is requested to approve Resolution No. 6359 outlining Scottsdale's intent to support the Arizona Super Bowl Host Committee's (the Host Committee) presentation to the National Football League (NFL) requesting that the metropolitan Phoenix area be selected to host Super Bowl NFL Official Events and the Super Bowl XLII game at Cardinal Stadium in Glendale in 2008.

Staff Contact(s): Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

12. Certification of Baseline Court Collections to State Treasurer – OK - C

Request: Adopt Resolution #6356 certifying Scottsdale City Court quarterly baseline collections for Fiscal Year 2002-2003 to the Arizona State Treasurer, as required by ARS 12-116.04. Submission of this certification to the State Treasurer is due no later than September 1, 2003. Based upon current estimates, the best literal interpretation of ARS 12-116.04, the City Court affirms these collection amounts for quarters 1-4 of Fiscal Year 2002-2003 as indicated below:

Quarter 1: \$1,699,606

Quarter 2: \$1,985,584

Quarter 3: \$2,401,392

Quarter 4: \$2,447,077

Total fiscal year: \$8,533,659

Authorize the Court Administrator to conduct the ongoing quarterly certification on behalf of the City Council and to document the quarterly remittance to the State of Arizona.

Staff Contact(s): Janet Cornell, Court Administrator, 480-312-2775, JCornell@ScottsdaleAz.gov

13. Exclusive Right to Negotiate on 13.3 acres of City property at Granite Reef & McDowell Roads – OK - C

Request: Extend RED Group, LLC's Exclusive Right to Negotiate from August 25, 2003 to October 21, 2003.

Related Policies, References:

- Council action to approve purchase of the site: 1/21/01
- Council presentation regarding community outreach: 5/14/01
- Master planning contract with EDAW: 2/19/02
- Council planning update: 5/13/02
- Council direction to move forward with RFP process: 7/1/02
- Council action granting Exclusive Right to Negotiate to Trend Homes: 1/21/03

Council action granting Exclusive Right to Negotiate to RED Group, LLC: 3/31/03

Staff Contact(s): David Roderique, Economic Development General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Laurel Edgar, Revitalization Manager, 480-312-7313, ledgar@scottsdaleaz.gov

*****14. Contracts for Litigation Legal Services The Pennartz Law Firm (This item is now the last item on the Regular Agenda)**

15. Acceptance of \$50,000 from Fort McDowell Yavapai Nation, in accordance with Proposition 202, the 17 Tribe Indian Self-Reliance Initiative. Funds to be used to promote tourism in Scottsdale and surrounding areas. – OK - C

Requests:

- Adopt Resolution No. 6372 to authorize Intergovernmental Agreement (IGA) No. 2003-137-COS that will enable the City to accept and appropriate \$50,000 from the Fort McDowell Yavapai Nation to promote tourism in Scottsdale and surrounding areas. This IGA is in accordance with Proposition 202, ARS 5-601 and the August 2003 scope of work prepared by the Scottsdale Convention and Visitors Bureau (CVB). These funds would be appropriated in to the City's General Fund Contingency and subsequently transferred into the CVB's contract.
- Authorize transfer of the \$50,000 from the General Fund Contingency to the Scottsdale CVB Contract No. 2003-100-COS.
- Authorize an amendment to the Scottsdale CVB Contract No. 2003-100-COS recognizing the change to the CVB's contract. Funding for the contingency budget to be provided by the Fort McDowell Yavapai Nation -- and will not impact the City's General Fund.

Related Policies, References: Proposition 202; ARS 5-601; Resolution 6362 (adopted by Council on July 1, 2003); August 2003 scope of work to the Fort McDowell Yavapai Nation outlining how the CVB will invest the \$50,000.

Staff contact: Kathy Carlisle O'Connor, Tourism Manager, kcoconnor@ScottsdaleAZ.gov, 480-312-7057

Regular Agenda begins on the following page

16. C.A.P. Basin Park - OK – 7/0

Request: Approve a Municipal use master site plan for a City park on 71 +/- acres located at the northeast corner of Hayden and Bell Roads with Townhouse Residential, Planned Community Development (R-4 PCD) zoning.

Location: E. Bell Rd./N. Hayden Rd. (NE)

Reference: 2-UP-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

17. Strategic Action Plan – MOTION TO DIRECT STAFF TO CREATE A STRATEGIC ACTION PLAN TO GUIDE THE CITY'S FUTURE ACTIONS AND DECISIONS. THE DRAFT PLAN WOULD BE SHARED WITH THE COMMUNITY VIA FORUMS IN OCTOBER FOLLOWED BY REVIEW AND APPROVAL BY THE CITY COUNCIL DURING THE ANNUAL CITY COUNCIL WORKSHOP IN NOVEMBER. - OK – 7/0

Request: Direct staff to draft a strategic action plan to guide the city's future actions and decisions. The draft Strategic Action Plan would be shared with the community via forums in October 2003, followed by review and approval by the City Council during the annual City Council Workshop in November 2003.

Related Policies, References:

- Scottsdale Shared Vision, December 1992
- CityShape 2020 Comprehensive Report: Planning the Physical Form of Scottsdale's Shared Vision, March 1996
- City of Scottsdale General Plan 2001: Future in Focus, October 2001
- Mayor and City Council Mission and Goals, December 2002
- City of Scottsdale 2002-04 Economic Vitality Strategic Plan, Nov. 2002
- Which Way Scottsdale: Scottsdale 2.0, Morrison Institute for Public Policy, March 2003
- City Council Programs Matrix, June 2003
- "Good to Great," by Jim Collins
- "Execution," by Larry Bossidy and Ram Charan
- "The Rise of the Creative Class," by Richard Florida

Staff contact(s): Janet M. Dolan, City Manager, 480-312-2422, JDolan@ScottsdaleAZ.gov; Natalie N. Lewis, Asst. to the City Manager, 480-312-7806, NLewis@ScottsdaleAZ.gov

*****14. Contracts for Litigation Legal Services The Pennartz Law Firm (Pulled from the Consent Agenda) – MOTION TO TABLE THE ISSUE – DIED FOR LACK OF SECOND. MOTION TO ADOPT RESOLUTIONS 6360 AND 6361 - OK – 5/2 (D.O., R.L.)**

Request:

1. Adopt Resolution No. 6360 authorizing the Mayor to execute Contract No. 2003-135-COS, an outside counsel contract in a maximum amount of Thirty Thousand Dollars (\$30,000.00) with THE PENNARTZ LAW FIRM, PLC for legal services regarding representation of the City of Scottsdale in litigation matters where Mr. Pennartz has personal knowledge including: the Scottsdale Waterfront project, personnel matters, and other various matters that arose while Mr. Pennartz was the Scottsdale City Attorney.
2. Adopt Resolution No. 6361 authorizing the Mayor to execute Contract No. 2003-136-COS, an outside counsel contract in a maximum amount of Fifty Thousand Dollars (\$50,000.00) with THE PENNARTZ LAW FIRM, PLC for representation of the City of Scottsdale in litigation matters involving the Los Arcos project located at the S.E. corner of Scottsdale and McDowell Roads.

CONSENT AGENDA

Monday, August 25, 2003

Page 9 of 9

Related Policies, References: COS Procurement Code Sections: 2-184 [definition of professional services] and 2-181D(2) [exemption from procurement code for contracts for settlement or threatened litigation]; Los Arcos Redevelopment Agreement No: 2003-115-COS.

Staff Contact(s): Donna M. Bronski, Deputy City Attorney, dbronski@scottsdaleaz.gov
(480) 312-2405.

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment – 8:59 P.M.

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Tuesday agenda to the agenda for the Wednesday meeting.